

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 5/13/08

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JUAN GARCIA-ESPINOZA, individually and on :
behalf of all others similarly situated, :

Plaintiff, :

-against- :

J P RESTAURANT CORP. d/b/a Carmine's Italian :
Seafood Restaurant, :

Defendant. :

07 Civ. 8330 (LAK) (AJP)

ORDER OF DISMISSAL ON CONSENT

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ANDREW J. PECK, United States Magistrate Judge:

Based on the settlement agreement reached by all parties and transcribed by the court reporter on May 13, 2008, and on the stipulation of the parties pursuant to 28 U.S.C. §636(c), IT IS HEREBY ORDERED THAT this action is dismissed as to the named plaintiff, Juan Garcia-Espinoza, with prejudice and without costs. The action was originally brought as an FLSA collective action, but plaintiff's counsel took no steps in connection with that, and the case is dismissed without prejudice and without costs as to the collective action. The Court retains jurisdiction through September 30, 2008 to enforce the settlement pursuant to the terms of the settlement agreement. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York
May 13, 2008



Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: Justin A. Zeller, Esq.
Scott Michael Mishkin, Esq.
Judge Lewis A. Kaplan